

JUN 10 2010

Part of
Public Record

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

June 9, 2010

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: Docket No. AB-1022 (Sub-No. 1X), *Arizona & California Railroad Company-Abandonment Exemption-in San Bernardino and Riverside Counties, CA*

Dear Ms. Brown:

San Pedro Trails, Inc. ("SP Trails") respectfully requests the Surface Transportation Board (the "Board") to issue a Notice of Interim Trail Use or Abandonment for the Arizona & California Railroad Company's ("ARZC") 49.4-mile Blythe Subdivision between milepost 0.0, near Rice, CA and milepost 49.4, near Ripley, CA; the end of the line (the "Line"), all in San Bernardino and Riverside Counties, CA.

The Board granted ARZC an exemption to abandon the Line. *Arizona & California Railroad Company-Abandonment Exemption-in San Bernardino and Riverside Counties, CA*, STB Docket No. AB-1022 (Sub-No. 1X) (STB served June 30, 2009). SP Trails has contacted ARZC and been informed that the abandonment of the Line has not been consummated. SP Trails intends to acquire the Line from ARZC for the purpose of establishing an interim trail. SP Trails did not seek interim trail use earlier in this proceeding because of the uncertainty of whether an offer of financial assistance would be filed and when ARZC would be able to satisfy the environmental conditions imposed by the Board. The historic condition was removed in a decision served March 30, 2010, and ARZC has advised SP Trail that it is seeking removal of the consultation condition with Mr. Greg Holmes, Unit Chief, Brownfields and Environmental Restoration Program, California Department of Toxic Substances Control.

Pursuant to 49 C.F.R. 1152.29(a)(3), SP Trails provides the following *Statement of Willingness To Assume Financial Responsibility*.

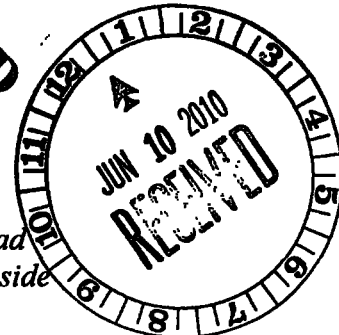
In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, San Pedro Trails, Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Arizona & California Railroad Company. The property, known as the Blythe Subdivision, extends from railroad milepost 0.0 near Rice, CA, to railroad milepost 49.4, near Ripley, CA, a distance of 49.4 miles in San Bernardino and Riverside

FILED

JUN 10 2010

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED
JUN 10 2010
SURFACE
TRANSPORTATION BOARD



227266

Ms. Cynthia T. Brown
June 9, 2010
Page 2

Counties, CA. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-1022 (Sub-No. 1X).

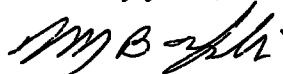
A map of the property depicting the right-of-way is attached.

San Pedro Trails, Inc. acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

An original and ten copies of this letter have been filed and a filing fee of \$250.00. Please time and date stamp the additional copy and return it to us in the enclosed stamped self-addressed envelope.

Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,



Melanie B. Yasbin
Attorney for San Pedro Trails, Inc.

Cc: Arizona & California Railroad Company